

**Senate File 487 - Introduced**

SENATE FILE 487  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1054)

**A BILL FOR**

1 An Act modifying the periods of time to bring criminal actions  
2 for sexual offenses against a minor, providing penalties,  
3 and including effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 802.2, subsection 1, Code 2019, is  
2 amended to read as follows:

3 1. An information or indictment for sexual abuse in the  
4 first, second, or third degree committed on or with a person  
5 who is under the age of eighteen years ~~shall be found within~~  
6 ~~ten years after the person upon whom the offense is committed~~  
7 ~~attains eighteen years of age, or if the person against whom~~  
8 ~~the information or indictment is sought is identified through~~  
9 ~~the use of a DNA profile, an information or indictment shall~~  
10 ~~be found within three years from the date the person is~~  
11 ~~identified by the person's DNA profile, whichever is later~~ may  
12 be commenced at any time after the commission of the offense.

13 Sec. 2. Section 802.2A, Code 2019, is amended to read as  
14 follows:

15 **802.2A Incest — sexual exploitation by a counselor,**  
16 **therapist, or school employee.**

17 1. An information or indictment for incest under section  
18 726.2 committed on or with a person who is under the age of  
19 eighteen shall be found ~~within ten years after the person upon~~  
20 ~~whom the offense is committed attains eighteen years of age~~ at  
21 any time after its commission. An information or indictment  
22 for any other incest shall be found within ten years after its  
23 commission.

24 2. An indictment or information for sexual exploitation  
25 by a counselor, therapist, or school employee under section  
26 709.15 committed on or with a person who is under the age of  
27 eighteen shall be found ~~within ten years after the person upon~~  
28 ~~whom the offense is committed attains eighteen years of age~~ at  
29 any time after its commission. An information or indictment  
30 for any other sexual exploitation shall be found within ten  
31 years of the date the victim was last treated by the counselor  
32 or therapist, or within ten years of the date the victim was  
33 enrolled in or attended the school.

34 Sec. 3. Section 802.2B, unnumbered paragraph 1, Code 2019,  
35 is amended to read as follows:

1 An information or indictment for the following offenses  
 2 committed on or with a person who is under the age of eighteen  
 3 years shall be found ~~within ten years after the person upon~~  
 4 ~~whom the offense is committed attains eighteen years of age,~~  
 5 ~~or if the person against whom the information or indictment~~  
 6 ~~is sought is identified through the use of a DNA profile, an~~  
 7 ~~information or indictment shall be found within three years~~  
 8 ~~from the date the person is identified by the person's DNA~~  
 9 ~~profile, whichever is later at any time after its commission:~~

10 Sec. 4. Section 802.10, subsection 3, Code 2019, is amended  
 11 to read as follows:

12 3. However, notwithstanding [subsection 2](#), an indictment or  
 13 information shall be found against a person within three years  
 14 from the date the person is identified by the person's DNA  
 15 profile. If the action involves sexual abuse, ~~another sexual~~  
 16 ~~offense of a person eighteen years of age or older,~~ kidnapping,  
 17 or human trafficking, the indictment or information shall be  
 18 found as provided in [section 802.2](#), ~~[802.2B](#)~~, [subsection 2](#),  
 19 [802.2C](#), or [802.2D](#), if the person is identified by the person's  
 20 DNA profile.

21 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
 22 immediate importance, takes effect upon enactment.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with  
 25 the explanation's substance by the members of the general assembly.

26 This bill modifies the periods of time to bring criminal  
 27 actions for sexual offenses against a minor.

28 The bill amends Code section 802.2 to provide that a criminal  
 29 information or indictment for sexual abuse in the first,  
 30 second, or third degree committed on or with a person under the  
 31 age of 18 may be commenced at any time after the commission  
 32 of the offense. Current law specifies the indictment or  
 33 information for such sexual abuse offenses be found within 10  
 34 years of the sexually abused person attaining 18 years of age  
 35 or within three years after being identified by DNA evidence,

1 whichever is later.

2     The bill amends Code section 802.2A(1) to provide that  
3 an information or indictment for incest under Code section  
4 726.2 committed on or with a person who is under the age of  
5 18 shall be found at any time after its commission. Current  
6 law specifies the indictment or information for such a sexual  
7 offense be found within 10 years after the person upon whom the  
8 offense is committed attains the age of 18.

9     The bill amends Code section 802.2A(2) to provide that  
10 an indictment or information for sexual exploitation by a  
11 counselor, therapist, or school employee under Code section  
12 709.15 committed on or with a person who is under the age of  
13 18 shall be found any time after its commission. Current law  
14 specifies the indictment or information for such a sexual  
15 offense be found within 10 years after the person upon whom the  
16 offense is committed attains the age of 18.

17     The bill amends Code section 802.2B to provide that an  
18 indictment or information for certain other sexual offenses  
19 shall be found at any time after the commission of such other  
20 sexual offenses, including the following: lascivious acts with  
21 a child in violation of Code section 709.8; assault with intent  
22 to commit sexual abuse in violation of Code section 709.11;  
23 indecent contact with a child in violation of Code section  
24 709.12; lascivious conduct with a minor in violation of Code  
25 section 709.14; sexual misconduct with a juvenile in violation  
26 of Code section 709.16(2); child endangerment in violation  
27 of Code section 726.6(4, 5, or 6); and sexual exploitation  
28 of a minor in violation of Code section 728.12. Current  
29 law specifies the indictment or information for such sexual  
30 offenses shall be found within 10 years after the person upon  
31 whom the offense is committed attains the age of 18, or if the  
32 person against whom the information or indictment is sought is  
33 identified through the use of a DNA profile, an information or  
34 indictment shall be found within three years from the date the  
35 person is identified by the person's DNA profile, whichever is

1 later.

2     The bill amends Code section 802.10 to provide that an  
3 indictment or information shall be found against a person  
4 within three years from the date the person is identified by  
5 the person's DNA profile. If the action involves sexual abuse  
6 of a person 18 or older, kidnapping, or human trafficking,  
7 the indictment or information shall be found if the person is  
8 identified by the person's DNA profile.

9     The bill takes effect upon enactment.